

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:
GERALD J. DEMENNA, individually : 07 CV 6240 (LAP)
and d/b/a CHEM-CHEK CONSULTING, :
:
: Plaintiffs, :
:
: -against- :
:
BUCK SCIENTIFIC, INC., ROBERT J. : DEFENDANTS'
ANDERSON, and ERIC ANDERSON, : RULE 26(a) DISCLOSURE
:
: Defendants. :
:
-----X
:
BUCK SCIENTIFIC, INC., :
:
: Counterclaim Plaintiff, :
:
: -against- :
:
GERALD J. DEMENNA, :
:
: Counterclaim Defendant. :
:
-----X

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Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, defendant-counterclaim plaintiff BUCK SCIENTIFIC, INC. ("Buck Scientific") and the other defendants (hereinafter, collectively, "defendants"), hereby surrender to plaintiff-counterclaim defendant Gerald J. DeMenna the following:

A. The list of witnesses attached as Exhibit A may have discoverable information defendants may use to support their

defenses and claims in this matter. Defendants reserve the right to identify additional witnesses once discovery has commenced. In addition, defendants may utilize the testimony of one or more expert witnesses to be disclosed at an appropriate time, in accordance with the Court's scheduling order.

B. Documents, data compilations, and tangible things in defendants' possession, custody or control, which defendants may use to support their defenses and claims consist of certain business records, sales documents and correspondence of Buck Scientific; certain contracts, business records, sales documents and correspondence of Edu-Chem Innovations; certain contracts, business records, sales documents and correspondence of VTEC Laboratories Inc.; certain business records, sales documents and correspondence of Chem-Chek; police reports and witness statements of the Norwalk Police Department; certain correspondence and documentation of the U.S. Customs Office or U.S. Homeland Security Department; certain contracts, correspondence and sales documents of MeasureNet; certain correspondence, sales documents, financial information and medical records of Gerald J. DeMenna, all of which are (a) in the possession, custody or control of plaintiff-counterclaim defendant, (b) have been or will be subpoenaed from third parties (and thereafter made available to plaintiff-counterclaim

defendant), or (c) which have been or will be produced in response to Plaintiff-Counterclaim Defendant's First Request for Production of Documents.

C. The true nature and extent of injuries suffered by Counterclaim Plaintiff is not known and quantifiable at this time. Counterclaim plaintiff reserves the right to supplement this disclosure based on the documentation produced and received, as set forth more fully in paragraph "B" above.

Defendants reserve the right to supplement their disclosure as discovery progresses in accordance with the Federal Rules of Civil Procedure.

Dated: November 1, 2007  
New York, New York

Yours, etc.,

Defendants BUCK SCIENTIFIC, INC.,  
ROBERT J. ANDERSON AND ERIC ANDERSON  
and Counterclaim Plaintiff BUCK  
SCIENTIFIC, INC.

By: 

Michael L. Ferch, Counsel  
[MF 6211]

LAW OFFICES OF GEORGE P. BIRNBAUM  
130 West 57<sup>th</sup> Street/#5B  
New York, New York 10019  
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Schedule A

Robert J. Anderson  
Eric Anderson  
Roy Mirchardani  
Gerald J. DeMenna  
Alfred G. DeMenna  
Nancy Gregorio  
Dan Willoughby  
William Closs  
Gary Wingo  
Jerry Reed  
Jim Westmoreland  
Royce Bramlett  
Gordon Fromm  
Dave Hurley  
Jon Selenski  
Jim Selenski  
Dominick Buonocore  
Tony Hackenberg  
Mel Westlund  
Frank Reeves  
Floyd Theriot  
Bob Vorhees  
Ed Nadeau  
Peter Ryckbosch  
Tim McCall  
Dr. Barry Friedman  
Stephen Zakrewski  
Maryann Francischelli  
Mark A. Devito  
Gwendolynn DeMenna  
Tara Fitzsimmons  
Margaret Wilde Frey  
Terri C. Boman  
Linda Jones  
Sue Briganti  
Jon Allen

Certificate of Service

I certify that on this <sup>1<sup>st</sup></sup> day of November, 2007, I served a copy of the foregoing, by first-class mail, postage prepaid, to:

Joel J. Reinfeld, Esq.  
Fischer Porter & Thomas, P.C.  
Attorneys for Plaintiff  
440 Sylvan Avenue, Suite 130  
Englewood Cliffs, New Jersey 07632-2700



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Michael L. Ferch